

Attorney Docket No.: F7590(V)  
Serial No.: 10/072,570  
Filed: February 8, 2002  
Confirmation No.: 1952

## **REMARKS**

### ***Amendments to the Claims***

Claim 19 has been amended without prejudice to recite preferred embodiments of applicants' invention that are more clearly enabled. Specifically, the claims are now drawn to *Monascus ruber* fungus. No new matter has been introduced.

### ***Claims Rejection – 35 USC § 112***

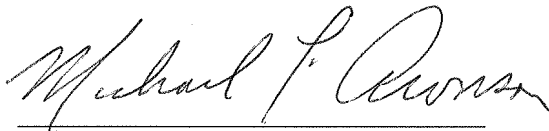
Claim 11-16, 19-24 and 27-28 were rejected under 35 USC §112 first paragraph as lacking enablement. The Examiner asserted that the specification while being enabling for *Monascus ruber*, does not provide enablement for any statins producing *Monascus* fungus. Although applicants disagree, the claims have been amended to recite *Monascus ruber* in an earnest effort to advance the case to issue without delay.

In view of the foregoing amendment, applicants respectfully request the application to issue as a patent.

Attorney Docket No.: F7590(V)  
Serial No.: 10/072,570  
Filed: February 8, 2002  
Confirmation No.: 1952

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael P. Aronson". The signature is written in dark ink and is positioned above a horizontal line.

Michael P. Aronson  
Registration No. 50,372  
Agent for Applicants

MPA/sm  
Tel. No. 201-894-2412 or 845-708-0188